

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 24-30010  
Chapter 11 – Subchapter V

Red River Subs, Inc.,  
dba Erbert and Gerbert's – Fargo,  
dba Erbert and Gerbert's – Bismarck,  
dba Erbert and Gerbert's – Moorhead,

Debtor.

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**ORDER GRANTING MOTION FOR LEAVE TO PAY  
CLAIMS OF CRITICAL VENDORS**

Debtor Red River Subs, Inc. filed a Motion for Leave to Pay Claims of Critical Vendors. Doc. 9. In its motion, Debtor seeks Court authority to pay the prepetition claims of wholesale food and beverage vendors consistent with Debtor's normal practices. On January 19, 2024, the Court held a preliminary hearing on the motion. None of the interested parties who appeared at the hearing objected to the relief requested. The Court received no written objections to the motion.

For the reasons stated on the record and based on the motion and evidence received at the hearing, the Court finds cause for granting the relief Debtor seeks. Specifically, the Court finds that paying the vendor claims listed below are necessary to protect and preserve the estate, critical to the continued operation of Debtor's businesses, and in the best interest of Debtor's estate, its creditors, and other parties in interest. The evidence suggests that disfavored creditors would be as well off with reorganization as with liquidation, and Debtor's principal, Todd Beedy, testified that he believed these vendors would likely cease doing business with Debtor if not paid in a

timely manner. The Court also finds that paying these prepetition vendor claims is necessary to avoid immediate and irreparable harm.

Therefore,

**IT IS ORDERED** that Debtor's Motion for Leave to Pay Claims of Critical Vendors is granted. The hearing scheduled for February 9, 2024, is cancelled.

Debtor is authorized to pay the following prepetition claims:

Sysco                      \$31,153.81

Coca Cola                \$7,689.56

Dated: February 8, 2024.

A handwritten signature in black ink, appearing to read "Shon Hastings". The signature is fluid and cursive, with the first name "Shon" and last name "Hastings" clearly distinguishable.

SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT